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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,785	01/10/2006	Andrea Seger	SEGE3004//FJD	5731

7590
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EXAMINER

SONG, DAEHO D

ART UNIT	PAPER NUMBER
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2175

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09/13/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/523,785	Applicant(s) SEGER ET AL.	
	Examiner DAEHO D. SONG	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10, 12 and 14-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 12 and 14-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Applicant's Response

In Applicant's Response dated 04/22/2010, Applicant amended Claims 10, and argued against all rejections previously set forth in the Office Action dated 01/22/2010.

In light of Applicant's amendments and remarks, the rejections of Claim 10 under 35 U.S.C. §112 are withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 10, 12, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forney et al. (hereinafter Forney): U.S. Patent Application Pub. No. 2002/0101431 in view of Elsbree et al. (hereinafter Elsbree): U.S. Patent No. 7,017,116.

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Claim 10:

Forney expressly teaches:

A method for operating a field device of automation technology, from a control or engineering system by means of a graphical user interface (GUI) and a device description file for the field device, wherein the device description file describes the functionality of the field device, comprising the step of:

writing a data component of the device description in the form of an XML file ([0023]-[0026] [0028]-[0031] [0043]-[0046] [0059]: writing an XML description for data elements including parameter names, such as Tag name, event-and-alarm texts, such as animation behavior based on tag alarms, and other coded data by means of calling AddItem method on the runtime database interface associated with data binding XML table);

writing a presentation component of the device description in the form of an XSL file ([0024]-[0028] [0045]-[0046] [0075]-[0084]: writing an XSL description for graphic display objects of the device, such as GUI);

loading the data component and the presentation component together dynamically at run time by means of an appropriate browser (fig. 6; [0023]-[0032] [0045]-[0046] [0067]-[0074]: loading XML and XSL descriptions together dynamically executing a real-time graphics animation of a process control system via a user's browser connected to a web browser); *and*

dynamically producing an HTML page, which represents a graphical user interface for the field device, from the XML file and XSL file, wherein: the HTML page

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displayed by the browser is dynamically changed in accordance with a change in the XML file or the XSL file, so that the graphical user interface is matched to the field device ([0029]-[0031]: dynamically producing a HTML page of the client/field device and updating its data by means of receiving a stream of real-time update information from the portal server by means of a data exchange component of the browser client).

Forney fails to disclose:

connecting the field device to the control or engineering system by way of a field bus, wherein data transfer on the field bus occurs on the basis of known integration and standards for field buses; and

accomplishing the operation of the field device from the control or engineering system by way of the graphical user interface GUI.

Elsbree expressly teaches:

connecting the field device to the control or engineering system by way of a field bus, wherein data transfer on the field bus occurs on the basis of known integration and standards for field buses (figs. 2 & 5; col. 7 lines 15-67; col. 8 lines 1-19; col. 12 lines 43-67; col. 13 lines 1-67; col. 14 lines 1-28: connecting a field device to a control system by means of a field bus, which is a LAN-type connection network that represents an industrial network system for real-time distributed control; for example, a network between the control systems <10>, <120>, <130> and the field systems <220>, <222>,

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<224> of Fig. 2; another example, a network communication through OPC communication protocol between the control systems <502>, <504>, <506> and those process control equipments <510>, <512>); and

accomplishing the operation of the field device from the control or engineering system by way of the graphical user interface GUI (fig. 9; col. 16 lines 47-67; col. 17 lines 1-50: accomplishing the operation of a portable/field device from the control system that uses a first operating system utilizing GUI).

Accordingly, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system, disclosed in Forney, to include: *connecting the field device to the control or engineering system by way of a field bus, wherein data transfer on the field bus occurs on the basis of known integration and standards for field buses, and accomplishing the operation of the field device from the control or engineering system by way of the graphical user interface GUI, for the purpose of providing information being automatic and easy for the task of generating graphical user interface in a manufacturing process, as taught in Elsbree.*

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Forney further teaches:

Claim 12. The method as claimed in claim 10, wherein: the run time environment is a Microsoft platform ([0008]: running on the Microsoft Operating System).

Claim 14. The method as claimed in claim 10, wherein: the presentation component contains information for visualizing and explaining the process component of concern ([0031][0067]: displaying data component of visualizing the graphical process diagram of the field device supporting real-time animation of manufacturing process control view).

Claim 15. The method as claimed in claim 10, further comprising the step of: providing dynamic, relevant links on the GUI for invoking an online/offline help ([0009]: providing dynamic relevant links for help through a search engine of portal service).

Claim 16. The method as claimed in claim 10, wherein: the operation includes start-up, maintenance, simulation, data protection, problem removal and device documentation ([0008][0038]: the Windows Operating System includes start-up, maintenance, simulation, back-up/data protection, problem resolution and documentation).

Claim 17. The method as claimed in claim 10, further comprising the step of: using the Internet Explorer of Microsoft® as the browser ([0008][0038]: using a commercial web browser, such as the Internet Explorer).

Claim 18. The method as claimed in claim 10, further comprising using the Netscape Navigator of Netscape as the browser ([0008][0038]: using a commercial web browser, such as the Netscape Navigator).

Response to Arguments

2. Applicant's arguments against the rejections based on 35 U.S.C. 102 with respect to Claims 10-18 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAEHO D. SONG whose telephone number is (571)272-7524. The examiner can normally be reached on Mon-Fri 9:30-6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boris Pesin can be reached on (571)272-4070. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daeho D Song/

Examiner, Art Unit 2172

/Boris Pesin/

Supervisory Patent Examiner, Art Unit 2174